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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

This Document Relates To:

ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR (PHK)

**OMNIBUS SEALING STIPULATION
PURSUANT TO THE ORDER
GRANTING MOTION TO FILE UNDER
SEAL; SETTING SEALING
PROCEDURES**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

Pursuant to the Court's Order Granting Motion to File Under Seal; Setting Sealing Procedures ("Sealing Procedures Order") (ECF 341), the Parties, through their undersigned counsel, hereby submit this Omnibus Sealing Stipulation.

The Parties declare in support of this Stipulation:

1. In accordance with Section II of the Sealing Procedures Order, entitled Post-Briefing Omnibus Sealing Procedures, the Parties have met and conferred regarding the Parties' proposed sealing and redactions in Defendants' Letter Brief Regarding Trial Selection of Bellwether Personal Injury Cases (ECF 1966) and Plaintiffs' Letter Brief Regarding Personal Injury Bellwether Trial Pool (ECF 1967).

2. In accordance with the Sealing Procedures Order, the Parties have created the attached Chart listing the portion of each brief to be redacted.

3. The Parties have limited proposed redactions to three categories of material: information about minors, including a minor's name, which is entitled to privacy protection under Federal Rules of Civil Procedure Rule 5.2(a); Protected Health Information as defined by the Parties' Stipulated Third Modified Protective Order (ECF 1209); and materials that are not currently on the public docket.

4. Plaintiffs state the following:

a. Information about minors is broadly protected by F.R.C.P. 5.2(a) *See Dew v. City of Seaside*, No. 19-CV-06009-HSG, 2020 WL 7016638, at *2 (N.D. Cal. Apr. 15, 2020) (“[t]he documents include the full names of minors involved in this case, which are specifically entitled to privacy protection by Federal Rule of Civil Procedure 5.2(a)(3)”; *Price v. Heedon*, 2010 WL 889862 (D. Mont. 2010) (ordering complaint providing full name of plaintiff's minor daughter to be sealed and directed plaintiff to comply with Rule 5.2 in future filings); *Meyers v. Kaiser Found. Health Plan Inc.*, No. 17-CV-04946-LHK, 2019 WL 120657, at *2 (N.D. Cal. Jan. 6, 2019) (“the Court agrees that compelling reasons exist to seal the parties' filings that included the name of the plaintiff's minor daughter”). See also *In re Flint Water Cases*, No. 517CV10164JELMKM, 2021 WL 2254064, at *2 (E.D. Mich. May 20, 2021) (private medical information of the Bellwether Plaintiffs, identifying information of minors, and addresses of minor Plaintiffs, all is appropriate to redact and/or seal).

b. It is imperative that the court system not perpetuate harm by making the identities of vulnerable children known. *See Doe ex rel. Doe v. Kamehameha Sch./Bernice Pauahi Bishop Est.*, 625 F.3d 1182, 1184, 1188 (9th Cir. 2010) (Reinhardt, J., dissenting) (explaining that Rule 5.2(a) “reflects a policy judgment that little if any public interest lies in learning the identity of youthful litigants while a strong public interest exists in protecting their identities” *See also A.K.L v. Moreno Valley Unified Sch. Dist.*, No. EDCV18430JGBSHKX, 2021 WL 4352362, at *4 (C.D. Cal. May 21, 2021).

c. Protected Health Information (“PHI”): “has the meaning set forth in 45 C.F.R. §§ 160.103 and 164.501...and includes but is not limited to individually identifiable health information,

1 including demographic information, relating to either (a) the past, present, or future physical or mental
2 condition of an individual; (b) the provision of health care to an individual...” ECF 1209 ¶ 2.19.

3 d. In *A.C. v. City of Santa Clara*, No. 13-CV-03276-HSG, 2015 WL 4076364, at *2
4 (N.D. Cal. July 2, 2015), Judge Gilliam found that when it comes to medical records, “compelling
5 confidentiality concerns outweigh the presumption of public access to court records.” *See Dalton v.*
6 *County of San Diego*, No. 3:21-CV-2143 W (WVG), 2024 WL 1319719, at *1 (S.D. Cal. Mar. 27, 2024)
7 (to the extent the exhibits identify a minor and implicate her criminal and mental health history, the
8 documents may be sealed.); *San Ramon Reg’l Med. Ctr., Inc. v. Principal Life Ins. Co.*, No. 10-cv-
9 02258-SBA, 2011 WL 89931, at *1 n.1 (N.D. Cal. Jan. 10, 2011) (finding that confidentiality of medical
10 records under the Health Insurance Portability and Accountability Act of 1996 outweighed *Kamakana*
11 presumption in favor of public access to court records); *Ballou v. McElvain*, No. 3:19-CV-05002-DGE,
12 2023 WL 8236530, at *2 (W.D. Wash. Nov. 28, 2023) (concluding that there is great need to protect
13 sensitive medical information from public disclosure such as plaintiff’s mental state, including mental
14 health symptoms). *See also Liaw v. United Airlines, Inc.*, No. 19-CV-00396-WHA, 2019 WL 6251204,
15 at *10 (N.D. Cal. Nov. 22, 2019) (private medical records sealed under higher ‘compelling reason’
16 standard); *Pratt v. Gamboa*, No. 17-CV-04375-LHK, 2020 WL 8992141, at *2 (N.D. Cal. May 22,
17 2020). (‘compelling reasons’ justify sealing Plaintiff’s medical records which are deemed confidential
18 under the Health Insurance Portability and Accountability Act of 1996); *Bruce v. Azar*, 389 F. Supp. 3d
19 716, 727 (N.D. Cal. 2019), *aff’d*, 826 F. App’x 643 (9th Cir. 2020) (courts have found under
20 ‘compelling reason’ standard that a party’s privacy interests in medical records and private information
21 outweigh the public’s interest in access.); *Woods v. City of Hayward*, No. 19-CV-01350-JCS, 2021 WL
22 4061657, at *20 (N.D. Cal. Sept. 7, 2021) (to the extent proposed redactions are based on medical
23 privacy, privacy interests related to juvenile correctional records, or the privacy protections of Rule 5.2,
24 plaintiff has shown ‘compelling reasons’ to maintain that material under seal and his requests are
25 narrowly tailored).

26 e. PHI, which is already subject to the Stipulated Second Modified Protective Order,
27 should remain sealed in the Bellwether Briefs, including Plaintiff narratives detailing specific “past,
28

1 present, or future physical or mental conditions” and “the provision of health care” such as
2 hospitalizations. *See* ECF 1209 ¶ 2.19. The names and the parents’ names of minor plaintiffs should also
3 remain sealed in accordance with F.R.C.P. Rule 5.2(a). The Bellwether plaintiffs, all of whom were
4 injured as minors, should be protected from any potential embarrassment resulting from having their
5 PHI linked to their identities as recognized by this Court and well-established Ninth Circuit precedent.

6 f. Information that has been redacted derives from documents designated as
7 confidential in this litigation. ECF 1209 ¶ 2.04; ECF 596 ¶ 6(a) (“Information provided pursuant to a
8 PFS is deemed confidential and will be subject to the terms of the Protective Order.”).

9 5. Defendants’ position is that Plaintiffs’ medical histories are not subject to absolute
10 protection, given that Plaintiffs have put those medical histories at issue by filing these lawsuits. *See,*
11 *e.g., Howard v. Cox*, 2021 WL 4487603, at *2 (D. Nev. Sept. 30, 2021) (sealing medical records but
12 declining to “require the parties to redact the parts of those records that they quote or paraphrase in their
13 briefs because those points are relevant to [plaintiff’s] claims in this action”); *Cole v. Janssen Pharms.,*
14 *Inc.*, No. 15-CV-57, 2017 WL 2929523, at *3 (E.D. Wis. July 10, 2017) (“To the extent that the
15 information from the medical records is incorporated into other documents filed by the parties or orders
16 issued by this court, that information is relevant to the issues raised in the case and should be available
17 to the public.”). Nonetheless, to obviate the need for the Court to address a sealing dispute, Defendants
18 agree to seal certain material from these briefs without prejudice to their ability to argue that such
19 material should be unsealed in subsequent filings.

20 THEREFORE, in accordance with the Sealing Procedures Order, the Parties stipulate and
21 respectfully request that the Court accept their undisputed requests to maintain the redactions in the
22 Defendants’ Letter Brief Regarding Trial Selection of Bellwether Personal Injury Cases (ECF 1966) and
23 Plaintiffs’ Letter Brief Regarding Personal Injury Bellwether Trial Pool (ECF 1967), as set forth in
24 attached Chart and the duly submitted Proposed Order Addressing All Undisputed Sealing Requests
25 emailed to the Court’s proposed order inbox.

26 IT IS SO STIPULATED AND AGREED.
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1 Respectfully submitted,

2 DATED: June 27, 2025

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ATTESTATION

I, Lexi J. Hazam, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: June 27, 2025

By: /s/ Lexi J. Hazam
Lexi J. Hazam

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: _____

Hon. Yvonne Gonzalez Rogers